

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
DOCKET NO. 5:09CR27-RLV**

UNITED STATES OF AMERICA	)
	)
v.	)
	)
BERNARD VON NOTHAUS	)
_____	)

In re: PETITION OF DAN ROSE

**ORDER GRANTING IN PART AND DISMISSING IN PART  
PETITION OF DAN ROSE**

**WHEREAS**, on November 10, 2014, the Court entered a Memorandum and Order (Doc. 270) affirming the jury's verdicts of guilty to Counts One, Two, and Three in the Superseding Bill of Indictment.

**WHEREAS**, on February 25, 2015, the Court entered the Amended (Third) Preliminary Order of Forfeiture (Doc. 297) forfeiting certain coins, metals, and other property to the United States.

**WHEREAS**, Dan Rose filed two (2) Petitions claiming ownership of \$580.00 in electronic Liberty Dollars equal to 29 ounces of silver, a total of 5.1 ounces of silver from warehouse receipts, and four (4) ¼ ounce gold pieces.

**WHEREAS**, Petitioner's claims for \$580.00 in electronic Liberty Dollars equal to 29 ounces of silver and a total of 5.1 ounces of silver from warehouse receipts are based on documentation and/or a plausible factual explanation that comports with the information known to the United States and that satisfies 21 U.S.C. § 853(n)(6), and the United States moves that the aforementioned portion be granted.

**WHEREAS**, Petitioner also claims four (4) ¼ ounce gold pieces, purchased in June of 2005.

**WHEREAS**, the United States has argued in its Motion that a portion of the property, specifically four (4) ¼ ounce gold pieces, purchased in June of 2005, are claimed without documentation or factual explanation and, upon information and belief, are not in possession of the United States.

**IT IS THEREFORE ORDERED THAT:**

1. The Petition of Dan Rose is granted in part, with said portion to be granted consisting of \$580.00 in electronic Liberty Dollars equal to 29 ounces of silver and a total of 5.1 ounces of silver from warehouse receipts. This portion is granted based on information known to the United States and Court, and which satisfies 21 U.S.C. § 853(n)(6), and;
2. Petitioner is ordered to send the original warehouse receipts to the United States at the address:  
  
United States v. Bernard Von Nothaus  
Attn: Thomas R. Ascik  
Office of the United States Attorney  
100 Otis Street, Room 233  
Asheville, North Carolina 28801
3. The Petition of Dan Rose is denied in part, said portion to be denied consisting of four (4) ¼ ounce gold pieces. Pursuant to Fed. R. Crim. P. 32.2(c)(1)(A), this portion of the Petition is dismissed for the reason that the Petition fails to state a claim upon which relief may be granted and Petitioner does not have standing.
4. Distribution of property by the United States to the Petitioners shall not occur until a final order of forfeiture is entered by the Court.

**SO ORDERED.**

Signed: December 21, 2015

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the text.

Richard L. Voorhees  
United States District Judge

